

SUNRISE, FLORIDA

ORDINANCE NO. 309-08-A

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, AMENDING SECTIONS 2-266 AND 2-267 "DUTIES AND RESPONSIBILITIES" OF CHAPTER 2, "ADMINISTRATION", ARTICLE IV "OFFICERS AND EMPLOYEES", DIVISION 2 "CITY ATTORNEY", OF THE CITY CODE; PROVIDING FOR DELETION OF APPOINTMENTS AND PRIVATE PRACTICE RESTRICTIONS; PROVIDING FOR CLARIFICATION OF ELECTED OFFICIAL REPRESENTATION; PROVIDING FOR GENDER NEUTRAL LANGUAGE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. **Section 2-266 of the City Code is amended to read as follows:**

Sec. 2-266. Appointment; term; compensation; assistants and employees; qualifications.

There shall be a city attorney appointed by the city commission. ~~He~~ The City Attorney shall serve at the will and under the jurisdiction of the city commission, and shall receive compensation in an amount fixed by the city commission. The city attorney shall be the chief legal officer of the city. The City Attorney ~~He~~ shall request appropriations from the city commission ~~appropriations~~ for his/her appointment of such assistant city attorneys as may be necessary for the proper and efficient performance of his/her duties. ~~The city commission shall make such appointments and establish the salary and benefits.~~ In the event the city attorney is under a contract for services, the city attorney shall be responsible for all compensation, including salary,

benefits and applicable taxes and any other such matters as provided pursuant to the contract for legal services. The city attorney shall have the right to discharge and remove such assistants and will advise the city commission of such action within forty-eight (48) hours of termination. The city attorney and any appointed assistant city attorney shall be members of The Florida Bar in good standing.

**Section 2.Section 2-267 of the City Code is hereby amended as follows:**

Sec. 2-267. Duties and responsibilities of the City Code is hereby amended to read:

(a) The city attorney shall be the attorney of record in all civil suits, actions and legal proceedings wherein the city commission, departments, boards or city officials or employees are parties by virtue of their official positions or actions. He/she shall institute and prosecute all eminent domain proceedings and other civil suits, actions and legal proceedings authorized by the city commission. He/she shall defend all civil suits, actions and legal proceedings brought against the city. The city attorney shall not represent any city official or employee in respect to their private or personal affairs or actions unless said representation serves a public purpose and is authorized by the City Commission.

(b) The city attorney shall serve as legal adviser to the city manager, department heads, city boards and the city commission. When requested, he/she shall render written legal opinions on matters relating to city government and the interpretation, construction and meaning of the charter, statutes, ordinances, resolutions and contracts affecting or pertaining to the city government, and such opinions shall be binding upon, and adhered to by, all appointed city officials or employees, except in the performance of

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judicial or quasi-judicial powers or duties. Copies of all written opinions of law rendered by the city attorney shall be furnished to the city manager.

(c) The city attorney shall prepare or review and approve as to form and legal sufficiency, all city ordinances, resolutions, deeds, contract documents and other legal instruments affecting or pertaining to the city or in which the city is a party.

(d) The city attorney or an assistant city attorney shall attend and be present during all regular meetings, workshops and special meetings of the city commission. When requested by the City Commission, he/she shall attend meetings of special committees of the city commission and meetings of city boards.

(e) The city attorney shall perform all duties and functions imposed by general or special laws upon city attorneys. The city attorneyHe shall perform such other legal duties as may be assigned by the city commission.

(f) If the city attorney determines that a requested ordinance or resolution is either unconstitutional or unenforceable, the city attorney shall provide the requested legislation, a written statement addressing the legal concerns regarding such legislation to the commissioner requesting it.

(g) The city attorney while acting within the scope of his/her employment, shall treat as confidential and not disclose any information received directly from a commissioner if such individual so requests, provided that any and all information required to be made available to the public pursuant to the state statutes shall be exempt from this provision.

~~(h) The city attorney and his/her assistants shall not conduct a private practice.~~

Section 2. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code

sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 3. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 4. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sunrise, Florida.

Section 5. Effective Date. This Ordinance shall be effective immediately upon its passage.

PASSED AND ADOPTED upon this first reading this 8TH DAY OF JULY, 2008.

PASSED AND ADOPTED upon this second reading this 22ND DAY OF JULY, 2008.

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Deputy Mayor Roger B. Wishner

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Felicia M. Bravo  
City Clerk

FIRST READING  
MOTION: WISHNER  
SECOND: ROSEN

ALU: ABSENT  
ROSEN: YEA  
SCUOTTO: NAY  
WISHNER: YEA  
FEREN: ABSTAIN

SECOND READING  
MOTION: ROSEN  
SECOND: ALU

ALU: YEA  
ROSEN: YEA  
SCUOTTO: NAY  
WISHNER: ABSENT  
FEREN: ABSTAIN

Approved by the City Attorney  
As to Form and Legal Sufficiency

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Kimberly A. Register